

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Social Welfare – Appeal Petition filed by Smt.Sabbithi Sugnana Ratna Kumari, against the Proceedings dated: 13-02-2009 of the District Collector, West Godavari, Confirming the Scheduled Caste Certificate of Smt.Chintapalli Anasuya are upheld –Appeal rejected –Orders – Issued.

Social Welfare (C.V-I) Department

G.O.Ms.No. 67

Dated: 15-09-2010.
Read the following:

1. Proceedings of the District Collector, West Godavari, vide Roc. No. 7923/2006/C3, dated: 13-02-2009
2. Appeal petition from Smt.Sabbithi Sugnana Ratna Kumari W/o. Raja Ratnam, West Godavari, Dated: 24-02-2009.
3. Govt., Memo. No. 2772/CV-1/2009-1, Dated: 31-03-2009.
4. From the Collector & District Magistrate, West Godavari, Letter No.C3/4852/2009, Dated: 17-01-2010.
5. Govt.Telegram No. 2772/C.V-1/2009-7, S.W.Dept., Dated: 07-08-2010 addressed to Smt. Sabbithi Sugnana Ratna Kumari.

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ORDER

In the Proceedings 1st read above, the District Collector, West Godavari has confirmed the Scheduled Caste (Mala) Certificate obtained by Smt.Chintapalli Anasuya of Siddantham (V) Penugonda (M).

2. Aggrieved by the Proceedings of the District Collector, West Godavari, Smt.Sabbithi Sugnana Ratna Kumari of Deva (V), Penugonda (M) has filed an appeal petition before the Government u/s 7 (2) of The A.P. (SCs, STs &BCs) Regulation of Issue of Community Certificates Act No.16 of 1993 and rules issued there under and submitted the following grounds in support of her claim vide reference 2nd read above.

1. The impugned order is contrary to law, weight of evidence and probabilities of the case.
2. The Authority ought to have held that the 4th Respondent belongs to Christian Religion and BC –C Community.
3. The Authority ought to have held that Christian marriage between the 4th Respondent and her husband-Sri James was held only after passing of the ceremonies of Baptism and Confirmation, in A.E.L.C. Church, Siddantham, according to Christian marriage rites.
4. The Authority ought to have held that unless the husband of the 4th Respondent was practicing Christian Religion along with his family members, he would not have allowed to contest to the Post of Synod Member and allowed to be elected to the said post.
5. The Authority ought to have held that the contention of the 4th Respondent that her marriage with her husband was performed according to Hindu rites was proved false, which infers that her marriage was a Christian marriage and she purposefully suppressed the same to mislead the authorities by producing fabricated documents.
6. The Authority ought to have held that the Pastor of Siddantham Parish issued information under Ex. A-4 dated: 3-11-2006 that the 4th Respondent and her husband are the Members of A.E.L.C. Church was proved correct with the admission of the Parish Pastor by furnishing information under Right to Information Act.
7. The Authority ought to have held that the marriage Certificate under Ex-A-1 dated: 01-5-1985, information furnished by A.E.L.C. Marriage Recorder under Ex.A-2 dated: 27-10-2006 and Minutes of A.E.L.C. West Godavari Synod under Ex.A-3 dated: 17-4-2006 categorically established the fact that the 4th Respondent belongs to Christian Religion and BC-C Community.

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8. The Authority ought to have relied on 18 Affidavits filed by the Appellant to show the fact that the 4th Respondent belongs to Christian Religion.
 9. The Authority erroneously relied on the fabricated record produced by the Respondent No.4.
 10. The Authority has passed impugned order contrary to the spirit of Act No.16 of 1993.
3. The Government have admitted the appeal petition and requested the District Collector, West Godavari to furnish parawise remarks and connected records on the said appeal petition vide reference 3rd read above.
 4. In the reference 4th read above, the District Collector, West Godavari has furnished parawise remarks and connected records on the appeal petition filed by Smt.Sabbithi Sugnana Ratna Kumari. The parawise remarks are as follows:
 - a) The petitioner has not filed any material evidence in support of her contention that the A.E.L.C. delegate must necessarily be a Christian. Sri Kota Subba Rao, S/o Ramaswamy, resident of K. Pedapudi village of East Godavari District in his deposition Dated: 13-01-2008 before the Tahsildar, Ambajipeta has stated that he performed the marriage of Smt. Anasuya, D/o Nelapudi Chandranna with Sri Chintapalli James under Hindu traditions and customs at the first instance. Later the individual attended before the Joint Collector & Chairman, District Level Scrutiny Committee on 03-11-2008 and he has changed his version and deposed that he has not performed the marriage of Smt.Anasuya.
 - b) Moreover, Sri K.Uday Kumar, Parish pastor, Siddantham Lutheran Church in his letter Dated: 03-11-2006 addressed to Smt.Sabbithi Sugnana Ratna Kumari, that Smt.Chintapalli Aanasuya, W/o James of Siddantham village is the congregation member of A.E.L.C., of Siddantham Lutheran Church and her husband is the Parish delegate from Siddantham Parish of Tanuku field of A.E.L.C for the year 2005-2007, that they are regular members of Lutheran Church, Siddantham. Later, Sri K.Uday Kumar, has changed his version before the Revenue Divisional Officer, Kovvur (report dated: 07-12-2007) and stated that Sri Chintapalli James and his family members never attended to the Church.
 - c) From the extracts of the school records filed by Smt.Chintapalli Anasuya i.e., Transfer Certificate issued by Z.P.H.School, Ambajipeta, dated: 06-11-2006 her caste was mentioned as Adi-Andhra and the caste of Sri Chintapalli James, mentioned in school records i.e., Transfer Certificate issued by S.C.I.M. Government College, Tanuku, dated: 11-07-1984 mentioned his caste as Adi-Andhra, as well as in record sheet issued by the Head Master, Z.P.H. School, Siddantham, dated: 27-06-1972.
 - d) The social acceptance of the status of the individual in the community is essential to arrive at the actual status. And in the light of unanimous and specific public opinion in Siddantham village about the fact of Sri Chintapalli James, his family belongs to (Mala) Community.
 - e) The District Collector, West Godavari has stated that the District Collector, East Godavari in his report D.Dis.C6 (M)708/ 2007, Dated: 07-03-2008 has reported that Smt.Nelapudi Anasuya, D/o of Chandranna, resident of Machavaram, H/o Ambajipeta village belongs to Adi-Andhra Scheduled Caste. Moreover, the Election O.P.No.150/2006 filed by the petitioner Smt.Sabbithi Sugnana Ratna Kumari against Smt.Chintapalli Anasuya and others before the Hon'ble Senior Civil Judge Court, Tanuku was dismissed for default on 24-06-2008. And the petition filed for restrained of Election O.P.in I.A.No.996/2008 was also dismissed on 07-11-2008 on merits by the Hon'ble Senior Civil Judge Court, Tanuku. The petitioner is relied upon the marriage certificate Dated: 01-05-1985 Under Section 4 of the Indian Christian Marriage Act 1872, both the spouses may not be Christians.
 - f) It is also further revealed on verification of records that the petitioner Smt.Sabbithi Sugnana Ratna Kumari has not filed any objection petition during the nomination for Z.P.T.C. Member elections to Penugonda regarding the caste of Smt.Chintapalli Aanasuya when the said Z.P.T.C., reserved for Scheduled Castes category and no documentary evidences were produced to prove that Smt.Chintapalli Anasuya had taken baptism and converted as Christian, that the respondent Smt.Chintapalli Anasuya consistently stated that she never embarrassed Christianity and as per observations of District Level Scrutiny Committee by referring to E.P.9/2004

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that the persons of one faith may marry persons of another faith and yet may remain in their original faith and also further added that much would depend upon the volition of the person either to unconditionally accept and embrace the faith of matrimonial partner or to retain and remain in original faith.

g) Finally, the District Collector, West Godavari has stated that in the light of findings of District Level Scrutiny Committee and in exercise of the powers conferred under Sub Rule 8 (1) (a) of the Rule of the A.P (SCs, STs & BCs) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 he has confirmed the caste of Smt.Chintapalli Anasuya as Scheduled Caste (Mala).

6. The case was taken up twice for hearing on the appeal petition i.e on 06-05-2010 and 18-08-2010 at Secretariat level.

7. After examination of the proceedings of the District Collector, West Godavari and material available with the Government, it is observed that Smt.Chintapalli Anasuya belongs to Scheduled Caste (Mala) Community.

8. The Government, after careful examination of the matter and in exercise of the powers conferred u/s 7 of the Act No.16 of 1993, it is observed that the appeal petition filed by Smt.Sabbithi Sugnana Ratna Kumari does not deserve interference. Hence, the Proceedings of the District Collector issued vide R.Dis.No.C3/7923/2006, dated: 13-02-2009 are up held and the appeal filed by Smt.Sabbithi Sugnana Ratna Kumari is hereby rejected.

9. The District Collector, West Godavari shall take necessary action in the matter accordingly.

10 The records furnished by the District Collector, West Godavari vide reference 4th read above (containing pages pp 1-1077 c.f, in 3 volumes and 1-54 n.f.,) are returned herewith and she is requested to acknowledge the receipt of the same at an early date.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector,
West Godavari (w.e – Connected Original records)

Smt.Sabbithi Sugnana Ratna Kumari,
W/o. Raja Ratnam,
Deva Village,
Penugonda Mandal,
West Godavari District

Smt.Chintapalli Anasuya, W/o James,
Siddantham Village,
Penugonda Mandal,
West Godavari District.

Copy to:

The PS to M (SW)
The P.S to Prl. Secretary to Government (SW)
The Commissioner of Social Welfare, A.P.,
Hyderabad.
SF/SC

//Forwarded: by Order//

Section Officer